IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

LA.App..No. 1532 of 2005()

LAR.10/2001 of ADDL.SUB COURT,PARAVUR
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APPELLANT: IST RESPONDENT.

STATE OF KERALA, REPRESENTED BY THE
DISTRICT COLLECTOR, ERNAKULAM.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

RESPONDENTS: CLAIMANTS.
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1. ANTONY, S/O.XAVIER,PADAYATTY,
NAYATHODE, ANGAMALY.

2. THE KOCHI INTERNATIONAL AIRPORT SOCIETY,
NEDUMBASSERY, ERNAKULAM, REPRESENTED BY ITS
MANAGING DIRECTOR.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, KIAS LTD.
SMT.T.N.GIRIJA, SC, COCHIN I AIRPORT LT
SMT.ROSE MICHAEL

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR,JJ.

L.A.A.No.1532 of 2005 &
Cross Objection No.89 of 2006

Dated this the 6th day of August, 2007

JUDGMENT

Kurian Joseph,J.

The matter arises out of L.A.R.No.10/2001 on the file of the Additional Sub Court, North Paravur. The acquisition is for the purpose of Cochin International Air Port. The Reference Court has granted land value by granting 65% enhancement to the land value already fixed by the Land Acquisition Officer. According to the appellant and the second respondent the enhancement is not reasonable; whereas the claimant contents that the enhancement is not sufficient. It is brought to our notice that in several cases this court has remitted the matter for fresh consideration by the Reference Court. It is seen from the judgment of the Reference Court that there is no proper discussion with regard to the evidence already available on record. The appellant as well as the respondents pray for an opportunity to adduce evidence before the Reference Court. In view of the submission as above and taking note the fact that connected cases have already been

remitted to the Reference Court we set aside the judgment and decree in L.A.R.No.10/2001 on the file of the Additional Sub Court, North Paravur and remit the matter to the Reference Court. The parties will be free to adduce fresh evidence. Since the Cross Objection also is remanded the appellant shall be entitled to refund one half of the court fee. The parties will appear before the Reference Court on 10-9-2007.

(KURIAN JOSEPH, JUDGE)

(T.R.RAMACHANDRAN NAIR, JUDGE)

ahg.